

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TBC Consoles, Inc.,

Plaintiff,

05 CV 2756 (KMW) (AJP)

-v-

ORDER

Forecast Consoles, Inc.,

Defendant.

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WOOD, U.S.D.J.:

This action is for a declaratory judgment on the basis of an alleged patent infringement. The parties have jointly moved this Court for a stay of proceedings pending the resolution of a re-examination proceeding concerning the underlying patent currently underway in the U.S. Patent and Trademark Office. Because the Court agrees that a stay will prevent duplicative federal proceedings, will promote judicial economy, will help focus the issues for litigation, and accepts the parties representation that a stay is in their best interests, the stay is granted. See Xerox Corp. v. 3Com Corp., 69 F. Supp. 2d 404, 406 (W.D.N.Y. 1999); see generally Gould v. Control Lawer Corp., 705 F.2d 1340 (Fed. Cir. 1983); Bausch & Lomb Inc. v. Alcon Lab., Inc., 914 F. Supp. 951 (W.D.N.Y. 1996); Sulzer, Inc. v. Black Clawson Co., 1995 U.S. Dist. LEXIS 8328 (S.D.N.Y. 1995).

The Clerk of Court is directed to place this case on the suspension docket. Within 30 days of resolution of the re-examination proceeding, the parties are to notify the Court as to the status of the action and provide a new proposed joint scheduling order and discovery plan.

SO ORDERED.

Dated: New York, New York
December 19, 2005

Kimba M. Wood

Kimba M. Wood
United States District Judge